

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOHN ODOMS,

Plaintiff,

v.

HOWARD SKOLNIK, *et al.*,

Defendants.

3:09-CV-00223-RCJ(VPC)

**ORDER**

Before the Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke, (ECF No. 38<sup>1</sup>) entered on April 18, 2011, recommending granting Defendants' Motion to Dismiss (ECF No. 30), Defendants' Motion to Strike Plaintiff's "Memorandum Reply" (Doc. # 35) (ECF No. 36) and Plaintiff's First Amended Complaint (ECF No. 14) be dismissed without prejudice. Plaintiff filed his Objection to the Report and Recommendation (ECF No. 40) and Defendants' Opposition to Plaintiff's Objections to Report and Recommendation of the Magistrate Judge (Doc. #40) was filed on May 12, 2011.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (ECF No. 38) entered on April 18, 2011, should be adopted and accepted.

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (ECF No. 38) entered on April 18, 2011, is adopted and accepted, and Defendants' Motion to Dismiss Plaintiff's First Amended Complaint (Docket No. 19-1) (ECF No. 30) and Defendants' Motion to Strike Plaintiff's "Memorandum Reply" (Doc. #35) (ECF No. 36) are GRANTED.

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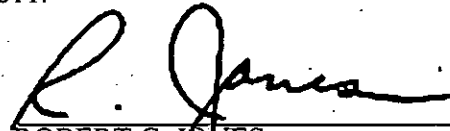
<sup>1</sup>Refers to court's docket number.

1 IT IS FURTHER ORDERED that Plaintiff's First Amended Complaint (ECF No. 14) is  
2 DISMISSED WITHOUT PREJUDICE.

3 IT IS FURTHER ORDERED that Plaintiff's Objection to the Report and Recommendation (ECF  
4 No. 40) is DENIED.

5 IT IS SO ORDERED.

6 DATED: this 31st day of May, 2011.

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9 ROBERT C. JONES  
UNITED STATES DISTRICT CHIEF JUDGE  
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